

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

THOMAS PORTER, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	C.A. #1:14-cv-1588 (LMB/IDD)
)	
HAROLD W. CLARKE, <i>et al.</i> ,)	
)	
Defendants.)	

CONSENT MOTION FOR EXTENSION OF TIME TO
APPLY FOR FEES AND COSTS AND MOTION FOR
EXPEDITED DETERMINATION WITHOUT HEARING

With the consent of defendants, plaintiffs, by counsel, respectfully move this court for an order enlarging the time within which they must apply for an award of their fees and costs pursuant to 42 U.S.C. §1988. In support of this motion, plaintiffs respectfully represent as follows:

- * Plaintiffs are currently prevailing parties in this litigation, and as such entitled to an award of fees and costs pursuant to 42 U.S.C. §1988.
- * Pursuant to this court's earlier order [ECF 230], plaintiffs have until October 4, 2019 within which to file their application.
- * Plaintiffs' application, covering five years of work, including two appeals, handled by lawyers in the District of Columbia, Charlottesville and Alexandria, will be lengthy. It is taking considerable time to assemble properly, and can be expected to take considerable time to adjudicate.

- * In an effort to resolve the remaining issues in this case, both on the merits and with regard to plaintiffs' fees and costs, counsel for the parties have been and remain in serious negotiations intended to resolve all remaining issues, including obviating any application for an award of fees and costs.
- * Defendants retain the right to petition the United States Supreme Court for a writ of *certiorari* to review the decision of the Fourth Circuit affirming this court's ruling adjudicating the merits of this case. Their deadline for filing such a petition is on or about October 26, 2019.

In order to give the parties time to conclude their ongoing settlement negotiations, and with the consent of defendants, plaintiffs respectfully seek an extension of time within which to file their application for fees and costs to 45 days following the deadline for defendants to apply for a writ of *certiorari*, should they decide to do so. Should defendants file for such a writ, the period within which plaintiffs must file any application for an award of attorney's fees and costs is extended to 45 days following the disposition of this case in the Supreme Court.

Plaintiffs respectfully submit that providing this relief will enhance the parties' chances of settling the remaining issues as well as sparing the court review of a substantial record that might be avoided.

The parties waive a hearing on this motion, on which plaintiffs seek expedited consideration on the papers.

Respectfully submitted,

THOMAS PORTER, *et al.*,

By counsel

Dated: September 26, 2019

Counsel for Plaintiffs:

//s// Victor M. Glasberg

Victor M. Glasberg, #16184
Bernadette E. Valdellon, *pro hac vice* pending
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
vmg@robinhoodesq.com
bev@robinhoodesq.com
PorterThomas\Pleadings\MCOAttyFees

Jeffrey E. Fogel, #75643
Steven D. Rosenfield, #16539
P.O. Box 222
Batesville, VA 22924
434-984-0300
jeff.fogel@gmail.com
attyrosen@aol.com

Kathryn L. Marshall (*pro hac vice*)
Yuri Fuchs (*pro hac vice*)
Elizabeth C. Lockwood (*pro hac vice*)
Ryan Stephenson (*pro hac vice*)
Hogan Lovells US, LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
(202) 637-5771 / Fax: (202) 637- 5910
kathryn.marshall@hoganlovells.com
yuri.fuchs@hoganlovells.com
elizabeth.lockwood@hoganlovells.com
ryan.stephenson@hoganlovells.com

Certificate of Service

I, Victor M. Glasberg, hereby certify that on this 26th day of September 2019, I electronically filed the foregoing Consent Motion for Extension of Time to Apply for Fees and Costs and Motion for Expedited Determination Without Hearing with the clerk of the court.

//s// Victor M. Glasberg
Victor M. Glasberg, #16184
Victor M. Glasberg & Associates
121 S. Columbus Street
Alexandria, VA 22314
703.684.1100 / Fax: 703.684.1104
vmg@robinhoodsq.com

Counsel for Plaintiffs